

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAMES LEWIS ATKINS, JR.,  
  
Plaintiff,

vs.

PETER KRUSE et al.,  
  
Defendants.

2:09-cv-01289-RCJ-GWF

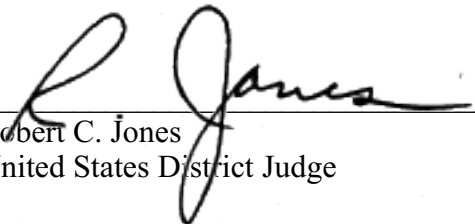
**ORDER**

This 42 U.S.C. § 1983 case arises out of the arrest and conviction of Plaintiff after Defendant Peter Kruse arrested him after allegedly promising not to. Pending before the Court is Plaintiff's Objection (#13) to the Magistrate Judge's Report and Recommendation ("R&R") (#10). In the R&R, the Magistrate Judge granted Plaintiff's Motion for Leave to Proceed In Forma Pauperis (#4), denied his Motion for Leave to File Excess Pages in his Complaint (#6), denied his Motion to Include Defendants' Names on All Documents (#7), and denied his Motion for Equal Protection and Appointment of Counsel (#8). Pursuant to 28 U.S.C. § 1915A screening, the Magistrate Judge dismissed the Due Process and Equal Protection claims under Rule 12(b)(6), with thirty (30) days leave to amend, and recommended that this Court dismiss the State of Nevada as a defendant under the Eleventh Amendment and dismiss the Clark County District Attorney as a defendant due to prosecutorial immunity. Plaintiff's objections raise no meritorious legal arguments or new facts.

**CONCLUSION**

IT IS HEREBY ORDERED that the Court ADOPTS the Magistrate Judge's Report and Recommendations (#10) and DENIES the Objection (#13).

DATED: January 21, 2010



Robert C. Jones  
United States District Judge